

REMARKS

The present amendment is submitted in an earnest effort to advance the case to issue without delay.

Claim 1 has been amended by consolidation with claims 2 and 4. Furthermore, "comprising" has been restricted to "consisting essentially of". Claims 3, 5, 6, 8 and 9 have been amended merely to conform to the now limited consolidated claims 1/2/4. Since this amendment is merely a consolidation of claims, the Examiner is requested to enter the amendment for purposes of the present examination and possible Appeal.

Claims 1, 3 and 5-10 were rejected under 35 U.S.C. § 102(b) as anticipated by Kawasaki et al. (U.S. Patent 5,556,970). Applicants traverse this rejection.

Amended claim 1 now incorporates the elements of claim 2. Since this rejection is not with respect to claim 2, it would appear the Examiner concurs that the now consolidated claim 1 does not lack novelty over the reference.

Claims 1 and 3-9 were rejected under 35 U.S.C. § 102(b) as anticipated by Jones (U.S. Patent 5,116,607). Applicants traverse this rejection.

Amended claim 1 incorporates the limitations of claim 2. Apparently the Examiner correctly understands that this reference does not anticipate the elements of original claim 2, now part of amended claim 1. In view thereof, the Examiner would agree that this rejection must fall.

Claims 1, 2 and 5-10 were rejected under 35 U.S.C. § 102(b) as anticipated by McCarthur (U.S. Patent 3,932,611). Applicants traverse this rejection.

Amended claim 1 now includes the limitation of claim 4. Apparently the Examiner and applicant both view claim 4 as clearly not anticipated by this reference. The rejection for anticipation over McCarthur would therefore seem moot.

Claims 1-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Vernon (U.S. Patent 4,999,187). Applicants traverse this rejection.

The Examiner has cited column 2 (lines 13-30) and claim 1 of the reference. According to the Examiner: "Vernon teaches a hair treatment composition containing 60-70% petrolatum, 0.5-10% coconut oil, 0.5-15% mineral oil, and 0.25-5% almond oil, among other components."

Essential to the Vernon composition is 60-85 wt.% petrolatum. No doubt the Examiner is familiar with petrolatum. It is essentially the only ingredient in Vaseline® Petroleum Jelly. This is an incredibly viscous and greasy material. A fundamental object of applicants' invention is to provide hair conditioning benefits, with superior sensory properties, but that is particularly less greasy. See page 1 (lines 23-27). By Vernon teaching the necessity of at least 60 wt.% petrolatum, it is quite clear the reference teaches away from the present invention. Applicants' claim 1 excludes such clearly inimicable ingredients at such extremely high concentration levels through the language of "consisting essentially of".

Furthermore, the reference indicates "mineral oil". By contrast, applicants specifically focus upon light mineral oil as the second component. Applicants' specification has clearly differentiated between different types of mineral oils, the acceptable and the unacceptable. Only light mineral oil is acceptable. See the specification at page 4 (lines 21-30) bridging to page 5 (lines 1-5).

Applicants have demonstrated unobvious results through a set of Examples described at page 8. These Examples demonstrate the improvement in lowering the greasy feel while maintaining or even improving ease of combing. Shown on page 9 is data indicating that the mixing of light hydrocarbon oil with triglycerides (i.e. Example 3) significantly improves total oil penetration into the hair fiber. These results were unexpected. They certainly are unobvious over the disclosure by Vernon.

Claim 10 has been further narrowed to identify the hydrocarbon oils as being limited to light mineral oils and those having chains less than 20 carbon atoms. The references do not disclose light mineral oils or those hydrocarbons of relatively short chain. Applicants have established in their comparative experiments that light mineral oil (and by extrapolation short chain hydrocarbons) are particularly performance effective. Employing these type of hydrocarbons lowers the greasy feel while maintaining or even improving ease of combing. The Examiner is requested to reconsider rejection of this claim.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

In view of the foregoing amendment and comments, applicants request the Examiner to reconsider the rejection and now allow the claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Milton L. Honig", is written over a horizontal line.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claims 2 and 4 have been canceled.

Claims 1, 3, 5, 6, 8, 9 and 10 have been amended as follows:

1. (Amended) A hair oil ~~comprising~~ consisting essentially of a blend of:
 - (i) from 10% to 95%, by weight based on total weight, of a first oily component ~~which is selected from the group consisting of coconut oil, sunflower oil, almond oil and mixtures thereof; one or more glyceride fatty esters,~~ and
 - (ii) from 5% to 90%, by weight based on total weight, of a second oily component which is light mineral oil ~~one or more hydrocarbon oils of average carbon chain length less than 20 carbon atoms.~~
3. (Twice Amended) A hair oil according to claim 1, in which the total content of said first oily component ~~glyceride fatty ester~~ ranges from 20% to 80% by weight based on total weight of ~~the~~ said hair oil.
5. (Amended) A hair oil according to claim 1, in which the total content of said light mineral hydrocarbon ~~oil~~ ranges from 20% to 80% by weight based on total weight of said hair oil.

6. (Twice Amended) A hair oil according to claim 1, in which the first oily component:light mineral glyceride fatty ester:hydrocarbon oil weight ratio ranges from 95:5 to 5:95, ~~preferably from 90:10 to 10:90, most preferably from 80:20 to 20:80.~~

8. (Amended) A hair oil according to claim 6, wherein said ~~glyceride fatty ester:hydrocarbon~~ first oily component:light mineral oil weight ratio ranges from 90:10 to 10:90.

9. (Amended) A hair oil according to claim 6, wherein said ~~glyceride fatty ester:hydrocarbon~~ first oily component:light mineral oil weight ratio ranges from 80:20 to 20:80.

10. (Amended) A hair oil consisting essentially of:

- (i) from 10% to 95%, by weight based on total weight, of a first oily component which is one or more glyceride fatty esters, and
- (ii) from 5% to 90%, by weight based on total weight, of a second oily component which is one or more hydrocarbon oils ~~of average carbon chain length less than 20 carbon atoms~~ selected from the group consisting of a light mineral oil, straight chain hydrocarbon oils containing from 6 to 16 carbon atoms, branched chain hydrocarbon oils containing from 6 to 20 carbon atoms and blends thereof.